

## COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR C-I-P)

As a below named inventor, I hereby declare that

COPY

## TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☐ original  
☐ design  
☒ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.

- ☐ divisional  
☐ continuation  
☒ continuation-in-part (C-I-P)

## INVENTORSHIP IDENTIFICATION

**WARNING:** If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## TITLE OF INVENTION

Systematic Evolution of Ligands By Exponential Enrichment: Photoselection  
of Nucleic Acid Ligands and Solution Selex

0083716-11300

# SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.
- (b) ☒ was filed on September 16, 1994 as PCT/US/94/10562 and nationalized on March 8, 1995 as ☒ Serial No. 08 / 612,895 or ☐ Express Mail No., as Serial No. not yet known \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.57.

- (c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

## ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

(also check the following items, if desired)

- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

## PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☒ no such applications have been filed.
- (e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

09723718.112800

**PRIOR FOR. PCT APPLICATION(S) FILED 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(34 U.S.C. § 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

\_\_\_\_\_/\_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)  
UNDER 35 U.S.C. 120**

- ☒ The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.

(Declaration and Power of Attorney [1-1]—page 3 of 6)

09723718-112800

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

### POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Barry J. Swanson #33,215  
Thomas D. Bratschun #32,966  
Rosemary P. Kellogg #39,726  
Margaret M. Wall #33,462

Vanessa Appleby, #33,223  
Diane Cruz, #33,960

(check the following item, if applicable)

- ☐ Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

#### SEND CORRESPONDENCE TO

Barry J. Swanson  
Swanson & Bratschun, L.L.C.  
8400 E. Prentice Avenue, Suite 200  
Englewood, CO 80111

#### DIRECT TELEPHONE CALLS TO: (Name and telephone number)

Barry J. Swanson  
(303) 793-3333

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

Larry \_\_\_\_\_ Gold  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

Inventor's signature \_\_\_\_\_

Date 5-17-96 Country of Citizenship US

Residence Boulder, Colorado

Post Office Address 1033 5th Street  
Boulder, Colorado 80302

Full name of second joint inventor, if any

Michael \_\_\_\_\_ Willis  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

Inventor's signature \_\_\_\_\_

Date 5-8-96 Country of Citizenship US

Residence Louisville, Colorado

Post Office Address 786 W. Fir Court  
Louisville, Colorado 80027

Full name of third joint inventor, if any

Tad \_\_\_\_\_ Koch  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

Inventor's signature \_\_\_\_\_

Date May 21, 1996 Country of Citizenship US

Residence Boulder, Colorado

Post Office Address 2497 Powderhorn Lane  
Boulder, Colorado 80303

(Declaration and Power of Attorney [1-1]—page 5 of 6)

003723718-11800

(check proper ☒ for any of the following added pages; ☒ form a part of this declaration)

☒ Signature for fourth and subsequent joint inventors. Number of pages added 1

. . .

☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_

. . .

☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added \_\_\_\_\_

. . .

☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time (37 CFR 1.47).

. . .

☒ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☒ Number of pages added 3

. . .

☐ Authorization of attorney(s) to accept and follow instructions from representative.

. . .

(if no further pages form a part of this Declaration, then end this Declaration with this page and check the following item)

☐ This declaration ends with this page.

ADDED PAGE TO COMBINED DECLARATION AND POWER OF  
ATTORNEY FOR SIGNATURE BY FOURTH AND SUBSEQUENT INVENTORS

Full name of fourth joint inventor, if any

Steven Ringquist  
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
Inventor's signature [Signature]  
Date 5/19/96 Country of Citizenship US  
Residence Lyons, Colorado  
Post Office Address 221 5th Avenue  
Lyons, Colorado 80540

Full name of fifth joint inventor, if any

Kirk Jensen  
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
Inventor's signature [Signature]  
Date 5/15/96 Country of Citizenship US  
Residence Boulder, Colorado  
Post Office Address 1855 Athens Street, #204  
Boulder, CO 80302

Full name of sixth joint inventor, if any

Brent Atkinson  
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
Inventor's signature [Signature]  
Date JUNE 3, 1996 Country of Citizenship US  
Residence Boulder, Colorado WINTERTHUR, SWITZERLAND  
Post Office Address 2711 Mapleton, #21- BRUEHLBARTENSTRASSE 7  
Boulder, CO 80302 CH-8400  
WINTERTHUR, SWITZERLAND

(Added Page to Combined Declaration and Power of Attorney for Signature by Fourth and  
Subsequent Inventors (1-2))

09723718-11300

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF  
ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION**

*(complete this part only if this is a divisional, continuation or C-I-P application)*

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)  
UNDER 35 U.S.C. 120**

I hereby claim the benefit, under Title 35, United States Code, § 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information

- ☒ that is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

*(also check the following item, if desired)*

- ☒ and that is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent,

that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

*(also check the following item, if desired)*

- ☐ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. 1.98.

09723718-11300



09723718-112800

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:					
U.S. APPLICATIONS			Status (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned	
1. 08 / 123,935	9/17/93		X		
2. 08 / 143,564	10/25/93		X		
3. 07 / 714,131	06/10/91	X			
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLI- CATION NO.	PCT FILING DATE	U.S. APPLICATION NOS. ASSIGNED (if any)			
4. _____		0 / _____			
5. _____		0 / _____			
6. _____		0 / _____			

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:					
U.S. APPLICATIONS			Status (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned	
1. 0 7/ 536,428	6/11/90			<input checked="" type="checkbox"/>	
2. 0 7/ 931,473	8/17/92	<input checked="" type="checkbox"/>			
3. 0 / _____					
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLI- CATION NO.	PCT FILING DATE	U.S. APPLICATION NOS. ASSIGNED (if any)			
4. _____		0 / _____			
5. _____		0 / _____			
6. _____		0 / _____			